T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			26-Jan-07	APPL. S. N:	10764899							
To Exam	niner:		Select a Name, please	Art Unit	2600							
From			Logan, Rugenia PARALEGAL SPCECIALIST	Return This Memo To: (Drop-Off Location	Case JEF-2D68							
SUBJEC	T: Decisio	on on Teri	minal Disclaimer(T.D.) filed:									
form par or have	ragraphs i any quest	identified tions, plea	by this informal memo in your ase see me or the Special Progr	next Office action to notify app ram Examiner, THIS IS AN INFO	If you agree, please use the appropriate licant of the T.D. If you disagree DRMAL, INTERNAL MEMO ONLY. ITION FILE. When your action is complete							
please ir	nitial, date	e and retu	rn this memo to me. THANK YO	ου.								
<u> </u>	The T.D.	The T.D. is PROPER and has been recorded (see 14.23).										
Γ	The T.D.	T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):										
	The TD fee of has not been submitted nor is there any authorization in the application file for th use of a deposit account											
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extensisher interest (and/or the extent of the interest of the business entity represented by the signature in the application/patent (see 14.26 & 14.26.01). The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-st double patenting rejection, Rule 321(b) (see 14.27.01).											
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).											
		The pers	on who signed the T.D.:									
			is not an attorney "of record"	(see 14.29 and 14.29.01).								
			has failed to state his/her cap	acity to sign for the business er	ntity (see 14.28).							
┌ is			is not recognized as an officer	not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).								
	Γ	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).										
	Γ-	The T.D. is not signed (see 14.26 & 14.26.03).										
	Γ		al number of the application (or g rejection is missing or incorre	or the number of the patent) which forms the basis for the double rect (see 14.32).								
			al number of this application (o ed is missing or incorrect (see :	r the number of the patent in re 14.26, 14.27.02 or 14.26.05).	eexam or reissue cases being							
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).										
	L.	Other:										
			on to request refund (see 14.3 ot check this item.		, credit refund to deposit account							
I have a	ppropriate	ely notifie	d applicant(s) of the status of t	he Terminal Disclaimer filed in	this case.							
Ex.Initia	ls:		Date:		Log Date:							

Application Number		10/764,899	Re		PER, TODD ELL					
Document Code - DISQ		Internal Dod		cument – DO NOT MAIL						
TERMINAL DISCLAIMER	X			☐ DISAPPROVED						
Date Filed : January 25, 2007		This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:										
Henry D. Jefferson										

U.S. Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

PIPER, Todd Elliott

SERIAL NO :

10/764,899

FILED

January 26, 2004

TITLE

INBRED MAIZE LINE PH54M

Grp./A.U.

1638

Examiner

MEHTA, Ashwin D.

Conf. No.

2639

Docket No.

P06270US01 - PHI 1363C

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The owner, Pioneer Hi-Bred International, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6.730.836</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

A check in the amount of \$130.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d) is included. Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,

LILA A. T. AKRAD, Reg. No. 52,550

Yula ay Arad

McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309-2721 Phone No. (515) 288-3667

Fax No. (515) 288-1338

CUSTOMER NO: 27142

- bjh -

Attorneys of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :

PIPER, Todd Elliott

SERIAL NO

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Kula a J afred

801 Grand Avenue, Suite 3200 Des Moines, Iowa 50309-2721 Phone No. (515) 288-3667

Fax No. (515) 288-1338 CUSTOMER NO: 27142

- bjh -

Attorneys of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: PIPER, Todd Elliott

SERIAL NO : 10/764,899

FILED: January 26, 2004

TITLE : INBRED MAIZE LINE PH54M

Grp./A.U. : 1638

Examiner: MEHTA, Ashwin D.

Conf. No. : 2639

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

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- bjh -

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